

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	CRIMINAL NO. 04-10115-RCL
)	
v.)	VIOLATIONS:
)	
1. SPENCER GRAY,)	21 U.S.C. § 841(a)(1) --
)	Distribution of Cocaine
)	Base
2. KARL LAWRENCE PRESCOTT,)	
and)	18 U.S.C. § 2 --
)	Aiding and Abetting
3. KEVIN VICKERS,)	
a/k/a "KELVIN VICKERS",)	21 U.S.C. § 860(a) --
)	Playground Zone Violation
Defendants.)	

SUPERSEDING INDICTMENT

COUNT ONE: (21 U.S.C. § 841(a)(1) -- Distribution of Cocaine
Base; 21 U.S.C. § 860(a) -- Playground Zone
Violation)

The Grand Jury charges that:

On or about July 8, 2003, at Boston, in the District of
Massachusetts,

3. KEVIN VICKERS, a/k/a "KELVIN VICKERS,"

defendant herein, did knowingly and intentionally possess with
intent to distribute, and did distribute, a quantity of cocaine
base, also known as "crack," a Schedule II controlled substance,
within 1,000 feet of the real property comprising the Little
Scobie Playground.

All in violation of Title 21, United States Code, Sections
841(a)(1), and 860(a).

COUNT TWO: (21 U.S.C. § 841(a)(1) -- Distribution of Cocaine Base; 21 U.S.C. § 860(a) -- Playground Zone Violation; 18 U.S.C. § 2 -- Aiding and Abetting)

The Grand Jury further charges that:

On or about July 10, 2003, at Boston, in the District of Massachusetts,

1. **SPENCER GRAY and**
3. **KEVIN VICKERS, a/k/a "KELVIN VICKERS,"**

defendants herein, did knowingly and intentionally possess with intent to distribute, and did distribute, a quantity of cocaine base, also known as "crack," a Schedule II controlled substance, within 1,000 feet of the real property comprising the Little Scobie Playground.

All in violation of Title 21, United States Code, Sections 841(a)(1), and 860(a), and Title 18, United States Code, Section 2.

COUNT THREE: (21 U.S.C. § 841(a)(1) -- Distribution of Cocaine Base; 21 U.S.C. § 860(a) -- Playground Zone Violation; 18 U.S.C. § 2 -- Aiding and Abetting)

The Grand Jury further charges that:

On or about July 29, 2003, at Boston, in the District of Massachusetts,

1. SPENCER GRAY,

defendant herein, did aid and abet another person known to the Grand Jury in knowingly and intentionally possessing with intent to distribute, and in distributing, a quantity of cocaine base, also known as "crack," a Schedule II controlled substance, within 1,000 feet of the real property comprising the Little Scobie Playground.

All in violation of Title 21, United States Code, Sections 841(a)(1), and 860(a), and Title 18, United States Code, Section 2.

COUNT FOUR: (21 U.S.C. § 841(a)(1) -- Distribution of Cocaine Base; 18 U.S.C. § 2 -- Aiding and Abetting)

The Grand Jury further charges that:

On or about September 24, 2003, at Boston, in the District of Massachusetts,

1. SPENCER GRAY,

defendant herein, and another person known to the Grand Jury, did knowingly and intentionally possess with intent to distribute, and did distribute, a quantity of cocaine base, also known as "crack," a Schedule II controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1) and, and Title 18, United States Code, Section 2.

COUNT FIVE: (21 U.S.C. § 841(a)(1) -- Distribution of Cocaine Base; 21 U.S.C. § 860(a) -- Playground Zone Violation; 18 U.S.C. § 2 -- Aiding and Abetting)

The Grand Jury further charges that:

On or about November 6, 2003, at Boston, in the District of Massachusetts,

1. **SPENCER GRAY and**
2. **KARL LAWRENCE PRESCOTT,**

defendants herein, did, together with another person known to the Grand Jury, knowingly and intentionally possess with intent to distribute, and did distribute, a quantity of cocaine base, also known as "crack," a Schedule II controlled substance, within 1,000 feet of the real property comprising the Little Scobie Playground.

All in violation of Title 21, United States Code, Sections 841(a)(1), and 860(a), and Title 18, United States Code, Section 2.

COUNT SIX: (21 U.S.C. § 841(a)(1) -- Distribution of Cocaine Base; 18 U.S.C. § 2 -- Aiding and Abetting)

The Grand Jury further charges that:

On or about November 13, 2003, at Boston, in the District of Massachusetts,

1. SPENCER GRAY,

defendant herein, did aid and abet other persons known to the Grand Jury in knowingly and intentionally possessing with intent to distribute, and in distributing, a quantity of cocaine base, also known as "crack," a Schedule II controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1) and Title 18, United States Code, Section 2.

COUNT SEVEN: (21 U.S.C. § 841(a)(1) -- Distribution of Cocaine Base; 21 U.S.C. § 860(a) -- Playground Zone Violation)

The Grand Jury further charges that:

On or about November 14, 2003, at Boston, in the District of Massachusetts,

1. SPENCER GRAY,

defendant herein, did knowingly and intentionally possess with intent to distribute, and did distribute, a quantity of cocaine base, also known as "crack," a Schedule II controlled substance, within 1,000 feet of the real property comprising the Little Scobie Playground.

All in violation of Title 21, United States Code, Sections 841(a)(1), and 860(a).

NOTICE OF ADDITIONAL FACTORS

The Grand Jury further charges that:

(1) In connection with Counts 2,3,4,5,6, and 7, and relevant conduct as described in U.S.S.G. § 1B1.3, Defendant SPENCER GRAY is responsible for at least 5 grams but less than 20 grams of cocaine base, also known as "crack" cocaine, a Schedule II controlled substance. Accordingly, U.S.S.G. § 2D1.1(c)(7) is applicable to the defendant.

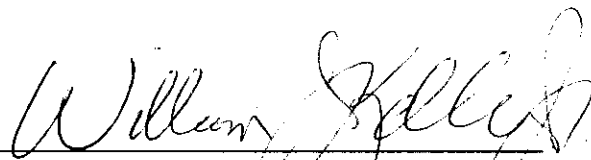
(2) In connection with Count 5, and relevant conduct as described in U.S.S.G. § 1B1.3, Defendant KARL PRESCOTT is responsible for at least 2 grams but less than 3 grams of cocaine base, also known as "crack" cocaine, a Schedule II controlled substance. Accordingly, U.S.S.G. § 2D1.1(c)(10) is applicable to the defendant.

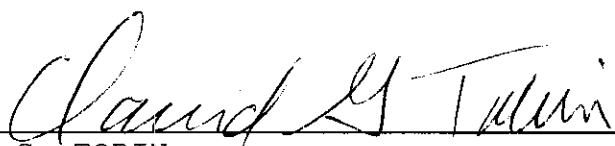
(3) In connection with Counts 1 and 2, and relevant conduct as described in U.S.S.G. § 1B1.3, Defendant KEVIN VICKERS a/k/a "KELVIN VICKERS" is responsible for at least 500 milligrams but less than 1 gram of cocaine base, also known as "crack" cocaine, a Schedule II controlled substance. Accordingly, U.S.S.G. § 2D1.1(c)(12) is applicable to the defendant.

(4) At the time Defendant KEVIN VICKERS a/k/a/ "KELVIN VICKERS" committed the offenses charged in this Indictment, he was at least 18 years old and he had at least two prior felony convictions of either a crime of violence or a controlled

substance offense. Accordingly, U.S.S.G. § 4B1.1 applies to the defendant.

A TRUE BILL


FOREPERSON OF THE GRAND JURY


DAVID G. TOBIN
ASSISTANT U.S. ATTORNEY

DISTRICT OF MASSACHUSETTS: October 28, 2004

Returned into the District Court by the Grand Jurors and
filed.

DEPUTY CLERK

Criminal Case Cover Sheet**U.S. District Court - District of Massachusetts**Place of Offense: _____ Category No. II Investigating Agency DEACity Boston**Related Case Information:**County SuffolkSuperseding Ind./ Inf. Yes Case No. 04-CR-10115-RCLSame Defendant X New Defendant _____

Magistrate Judge Case Number _____

Search Warrant Case Number _____

R 20/R 40 from District of _____

Defendant Information:Defendant Name Spencer Gray Juvenile: ☐ Yes ☒ No

Alias Name _____

Address 16 North Charlemagne Street, Roxbury, MABirthdate: 1979 SS # -9849 Sex: Male Race African-American Nationalit USDefense Counsel if known: Thomas J. Ford Address 141 Tremont St., Suite 400Bar Number _____ Boston, MA 02111**U.S. Attorney Information:**AUSA David G. Tobin Bar Number if applicable _____Interpreter: Yes ☐ No ☒ List language and/or dialect: _____Matter to be SEALED: Yes ☐ No ☒Warrant Requested ☒ Regular Process ☐ In Custody ☐**Location Status:**Arrest Date April 15, 2004☐ Already in Federal Custody as of _____ in _____☐ Already in State Custody _____ Serving Sentence ☐ Awaiting Trial☒ On Pretrial Release: Ordered by: M.J. Bowler on 6/24/2004Charging Document: Complaint ☐ Information ☐ ☒ IndictmentTotal # of Counts: ☐ Petty ☐ Misdemeanor ☒ Felony 6

Continue on Page 2 for Entry of U.S.C. Citations

☐ I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.Date: October 28, 2004

Signature of AUSA: _____

David G. Tobin

District Court Case Number (To be filled in by deputy clerk): _____

Name of Defendant Spencer Gray

U.S.C. Citations

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	<u>21 U.S.C. §§ 841(a)(1) and 860</u>	<u>Distribution of cocaine base in a playground zone</u>	<u>2, 3, 5 and 7</u>
Set 2	<u>21 U.S.C. § 841(a)(1)</u>	<u>Distribution of cocaine base</u>	<u>4 and 6</u>
Set 3	<u>18 U.S.C. § 2</u>	<u>Aiding and abetting</u>	<u>2, 3, 4, 5 and 6</u>
Set 4	_____	_____	_____
Set 5	_____	_____	_____
Set 6	_____	_____	_____
Set 7	_____	_____	_____
Set 8	_____	_____	_____
Set 9	_____	_____	_____
Set 10	_____	_____	_____
Set 11	_____	_____	_____
Set 12	_____	_____	_____
Set 13	_____	_____	_____
Set 14	_____	_____	_____
Set 15	_____	_____	_____

ADDITIONAL INFORMATION: _____

Criminal Case Cover Sheet**U.S. District Court - District of Massachusetts**Place of Offense: _____ Category No. II Investigating Agency DEACity Boston Related Case Information:County Suffolk Superseding Ind./ Inf. Yes Case No. 04-CR-10115-RCL
Same Defendant C New Defendant _____
Magistrate Judge Case Number _____
Search Warrant Case Number _____
R 20/R 40 from District of _____**Defendant Information:**Defendant Name Karl Lawrence Prescott Juvenile: ☐ Yes ☒ No

Alias Name _____

Address 43 St. Richards Street, Roxbury, MABirthdate: 1983 SS # -3745 Sex: Male Race African-American Nationalit USDefense Counsel if known: George F. Gormley Address 655 Summer St.Bar Number _____ Boston, MA 02210**U.S. Attorney Information:**AUSA David G. Tobin Bar Number if applicable _____Interpreter: Yes ☐ No ☒ List language and/or dialect: _____Matter to be SEALED: Yes ☐ No ☐Warrant Requested ☒ Regular Process ☐ In Custody ☐**Location Status:**Arrest Date 4/15/04☒ Already in Federal Custody as of 4/15/04 in U.S. Marshal Service☐ Already in State Custody _____ Serving Sentence ☐ Awaiting Trial☐ On Pretrial Release: Ordered by: _____ on _____Charging Document: Complaint ☐ Information ☒ IndictmentTotal # of Counts: ☐ Petty _____ ☐ Misdemeanor _____ ☒ Felony 5

Continue on Page 2 for Entry of U.S.C. Citations

☐ I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.Date: October 28, 2004Signature of AUSA: David G. Tobin

David G. Tobin

District Court Case Number (To be filled in by deputy clerk): _____**Name of Defendant** Karl Lawrence Prescott**U.S.C. Citations**

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	<u>21 U.S.C. §§ 841(a)(1)</u> <u>and 860</u>	<u>Distribution of cocaine base in a playground zone</u>	<u>5</u>
Set 2	<u>18 U.S.C. § 2</u>	<u>Aiding and abetting</u>	<u>5</u>
Set 3	_____	_____	_____
Set 4	_____	_____	_____
Set 5	_____	_____	_____
Set 6	_____	_____	_____
Set 7	_____	_____	_____
Set 8	_____	_____	_____
Set 9	_____	_____	_____
Set 10	_____	_____	_____
Set 11	_____	_____	_____
Set 12	_____	_____	_____
Set 13	_____	_____	_____
Set 14	_____	_____	_____
Set 15	_____	_____	_____

ADDITIONAL INFORMATION: _____

Criminal Case Cover Sheet**U.S. District Court - District of Massachusetts**Place of Offense: _____ Category No. II Investigating Agency DEACity Boston Related Case Information:County Suffolk Superseding Ind./ Inf. Yes Case No. 04-Cr-10115-RCL
Same Defendant X New _____
Magistrate Judge Case Number _____
Search Warrant Case Number _____
R 20/R 40 from District of _____**Defendant Information:**Defendant Name Kevin Vickers Juvenile: ☐ Yes ☒ NoAlias Name Kelvin VickersAddress 15 Maple Street, #403, Roxbury, MABirthdate: 1980 SS # -1356 Sex: Male Race African-American Nationality USDefense Counsel if known: James J. Cipoletta Address Citizens Bank BldingBar Number _____ 385 Broadway, Suite 307, Revere, MA**U.S. Attorney Information:**AUSA David G. Tobin Bar Number if applicable _____Interpreter: Yes ☐ No ☒ List language and/or dialect: _____Matter to be SEALED: Yes ☐ No ☒Warrant Requested ☐ Regular Process ☒ In Custody**Location Status:**Arrest Date Not arrested, in State custody☐ Already in Federal Custody as of _____ in _____☒ Already in State Custody ☒ Serving Sentence ☐ Awaiting Trial☐ On Pretrial Release: Ordered by: _____ on _____Charging Document: Complaint ☐ Information ☒ IndictmentTotal # of Counts: ☐ Petty _____ ☐ Misdemeanor _____ ☒ Felony 2

Continue on Page 2 for Entry of U.S.C. Citations

☐ I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.Date: October 28, 2004

Signature of AUSA: _____

David G. Tobin
David G. Tobin

District Court Case Number (To be filled in by deputy clerk): _____

Name of Defendant Kevin Vickers

U.S.C. Citations

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	<u>21 U.S.C. §§ 841(a)(1)</u> <u>and 860</u>	<u>Distribution of cocaine base in a playground zone</u>	<u>1 and 2</u>
Set 2	<u>18 U.S.C. § 2</u>	<u>Aiding and abetting</u>	<u>2</u>
Set 3	_____	_____	_____
Set 4	_____	_____	_____
Set 5	_____	_____	_____
Set 6	_____	_____	_____
Set 7	_____	_____	_____
Set 8	_____	_____	_____
Set 9	_____	_____	_____
Set 10	_____	_____	_____
Set 11	_____	_____	_____
Set 12	_____	_____	_____
Set 13	_____	_____	_____
Set 14	_____	_____	_____
Set 15	_____	_____	_____

ADDITIONAL INFORMATION: _____